IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 22903 of 2003

Between:

Smt. M. Akhilandeswari W/o. M. Muralidhar
H.No.1-1-231/2, Side lane of Vani Medical Hall, Chikkadapally, Hyderabad.

..... PETITIONER

AND

1 The Branch Manager State Bank of Hyderabad
Baghlingampally Branch, Hyderabad
2 Secretary, Union of India, Ministry of Law R.P. Road, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ, order or direction, striking down the Securitisation and Reconstruction of Financial assets and Enforcement of Security Interest Act, 2002 and striking down Section 13,15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and set aside the notice dated 6.9.2003 issued by the Respondent.

Counsel for the Petitioner: MR.A.SUDERSHAN REDDY

Counsel for the Respondent No.1: MR.K.V.SIMHADRI , Advocate

Counsel for the Respondent No.2: Mr A.Rajasekhar Reddy, SC for Central Government.

The Court made the following :

ORAL ORDER: (per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 (MARDIA CHEMICALS LTD., v. UNION OF INDIA AND OTHERS), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted.

This writ petition, therefore, is dismissed.

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DEVINDER GUPTA, C.J.

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G. ROHINI, J.

July 13, 2004

Kvrk

To

1 The Branch Manager State Bank of Hyderabad
Baghlingampally Branch, Hyderabad
2 Secretary, Union of India, Ministry of Law R.P. Road, New Delhi.

3. Two CD copies.